

**REMARKS**

At the outset, Applicants wish to thank Examiner Hernandez for the courtesies extended to Applicants' representatives during their January 14, 2004 telephonic interview. The substance of the personal interview is incorporated in the following remarks.

**Summary of the Office Action**

In the Office Action, claims 1-5 and 13-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,928,306 to *France*.

Claims 6-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *France* in view of U.S. Patent No. 6,360,167 to *Millington, et al.*

**Summary of the Response to the Office Action**

Applicants propose amending claims 1, 11, 13, 17, and 18. Accordingly, claims 1-18 are pending for further consideration.

**All Claims are Allowable**

Claims 1-5 and 13-18 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *France*. These rejections are respectfully traversed in view of the following comments.

Newly amended claims 1 and 17 recite the features of a "delivery base for installation of the outputted updated navigation information into the navigation apparatus." Similarly, newly amended claims 13 and 18 recite a "delivery base for installation of the generated updated navigation information into the navigation apparatus." All four claims recite an updating apparatus that receives a request for updated navigation information and then transmits updated navigation information to a delivery base where it is installed into a navigation apparatus. See at

least page 17, lines 28-32 and page 20, lines 20-24 of the specification. This is not taught nor suggested by the cited references.

In the *France* system, when the user requests GPS data correction from a server (420), a computer program (applet) is sent to the user's rover computer where it collects data from the rover computer (460) and sends the data back to the server (420), the server (420) and applet communicate until the applet determines what GPS correction files are needed. The applet then downloads the GPS correction files (located on the World Wide Web) through the server (420) which communicates with other servers on the World Wide Web. Therefore, the server in the *France* system does not generate updated navigation information and then transmit it to a delivery base. Further, the updated navigation information is not installed into the user's rover computer. See of col. 8, lines 15-52 of *France*.

Independent claims 17 and 18 also include a feature where an updating center module generates updated navigation information corresponding to a navigation apparatus on the basis of said information about a version of a navigation information. *France* also does not disclose at least these features as recited in 17 and 18. Accordingly, applicants respectfully submit that claims 17 and 18 are allowable as well.

As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

*Verdegaal Bros. v. Union Oil Co. Of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

In view of the above arguments, Applicants respectfully request that the rejection of independent claims 1, 13, 17, and 18 under 35 U.S.C. § 102(b) be withdrawn. Additionally, claims 2-5 and 14-16, which depend from independent claims 1 and 13, are allowable at least because its base claim is allowable, as well as for the additional features recited therein.

**All Subject Matter Complies With 35 U.S.C. § 103(a)**

Claims 6-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *France* in view of U.S. Patent No. 6,360,167 to *Millington, et al.* These rejections are respectfully traversed in view of the following comments.

*Millington* teaches a navigation system provided with multimedia annotations based upon the present location of the vehicle. These presentations may comprise advertising or text or other information entered by the user and associated with a specific location or locations. The navigation system provides a removable media reader that obtains additional information based upon which a navigation system operates. This additional information may include multimedia annotations that are location-based. The navigation system further includes a wireless communication system that interacts with and provides further location-based multimedia annotations. See Abstract of *Millington*.

*Millington* does not overcome the deficiencies of *France* as described above. Namely, *Millington* does not teach or suggest an updating center module like apparatus that receives a request for updated navigation information and then transmits updated navigation information to a delivery base, where the updated navigation information is installed into a navigation apparatus as claimed in independent claim 1. Contrary to the Office Action's statement that the programming base 50 of *Millington* is a delivery base, there is no updating center module that

transmits navigation information to the so-called delivery base (programming base 50). See Fig. 1 of *Millington*. Further, *Millington* fails to disclose "at least one of history information indicative of a history of the navigation process executed by the navigation apparatus," as recited in dependent claim 6. Accordingly, claims 6-12, which depend from independent claim 1, are allowable for the same reasons above-mentioned.

As pointed out in M.P.E.P. § 2143.03, "[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art". *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974). In view of the above arguments, Applicants respectfully request that the rejection of independent claims 6-12 under 35 U.S.C. § 103(a) be withdrawn.

Applicants respectfully request entry of the amendment to dependent claim 11 to correct a grammatical error.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Applicants also request the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: February 10, 2004

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